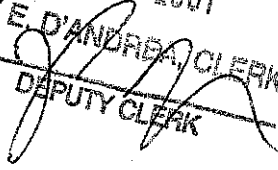


Law Clerk's Copy

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG

JUL 23 2001

MARY E D'ANDREA, CLERK
Per  DEPUTY CLERK

ROHAN R. PERSAUD
A38-746-586
Petitioner,

V.

JOHN D. ASHCROFT, Et, Al,
Respondents.

Civil No. 1:01-CV-01255

(Judge Sylvia H. Rambo)

MOTION FOR REQUEST OF ALIEN'S FILE BY
SUBPOENAS DUCES TECUM OF DISCOVERY.

And now comes, Rohan R. Persaud, pro se, respectfully moves this court requesting for Subpoenas Duces tecum under rule 45(a)(1)(c) of the Federal Rule and Civil Procedure to be issued to person listed below or produce petitioner's file under rule 34 of the discovery section of Fed. Rul. Civ. Cri. Procedure for the entire immigration File No. A38-786-586 within a Ten(10) Days of the court order, due to INS failure to produce such File under the Freedom of Information Act and Privacy Act (5 U.S.C § 552 and 5 U.S.C § 552(a)) requested by petitioner six(6) Months ago, to effectively produce evidence contain in those file to the court in the prosecution of this Writ of Habeas Corpus.

Such discovery documents will permit petitioner to show to justifie his claim and at this moment has been precluded.

In support thereof, petitioner states as follows:

- (1) Petitioner six(6) months ago has requested from the act. District director Mr. Charles W. Zemski for his INS file under the Freedom of Information and Privacy Act (FOIA) so petitioner can present evidence for his unlawful detention by this Writ petition. See copy of request A.. attached herein.....).
- (2) Petitioner till date, have not received any documents from INS officials and those documents will be needed to rebut respondents response if any within the 20 Days ordered by the court for respondents to show cause.
- (3) Respondents and agents of INS however, did not honored the time limite prescribe by the FOIA statute provision and due to such failure, this Subpoenas Duces Tecum is needed to be issued by this court directing them to produce the entire File (Books, records, Transcripts, court orders, immigration court records, micro-fish and any documents related to File No. A38-746-586....).
- (4) Petitioner wished the court to consider some of those documents contain in the file to determine the INS violations relevant for this action and appropriate for the merits of the case at bar, which petitioner will present evens, facts with exhibits to the court. For exemple :
 - a)- "Immigration court Transcript" will demonstrate to the court that during petitioner's removal proceedings, there was not any ascertainment about the assault conviction used by the Judge(IJ) at the end to order petitioner removed from the United States.
 - b)- "Travel document request" will show that INS is not making any effort to negotiate petitioner repatriation to Guyana and will establish the non-repatriation agreement with the United States or Guyana is not willing to take petitioner back to end the indefinite or maybe permanent detention.

- c)- "Written decision of the Immigration judge"
will show this court that the Judge (IJ)
removal order was incorrect in matter of
laws and facts, thus over step his juris-
diction and bounderies.
- d)- "INS Review papers", "Petitioner's Exhibits
submitted for support for release" and more,
in sum, petitioner will submit evidences that
are relevant to prove the Judge order was
"bogus, the BIA decision was inappropriate,
the INS artificial review, abuses in violation
of petitioner's rights and apparently is been
precluded by respondents and associates listed
below, knowingly and deliberatly withheld the
documents to prevent them to be shown to this
court.

- (5) The said documents are in possession of respondents and Agents that are to be subpoena and the earliest submission of this materials will be convenient for petitioner to make copies and rebut properly to respondent cause in case he respond to the writ petition.
- (6) Respondents and agents will suffer no inconvenience in submission of material and discovery under rule 34, since they first fails to produce them under FOIA request and their name are as follow:

Mr. Joel Mikelson
deportation Officer
Pike County Jail (INS)
170 Pike County Blvd
Hawley, PA 18428

Mr. Charles W. Zemski
Act. Distr. Director
INS office Philadelphia
1600 Callowhill Str.
Philadelphia, PA 19130

Wherefore, petitioner respectfully prays that the instamotion be granted, providing the documents on a timely manner in the prison facility Lackawanna County Prison.

Respectfully submitted

JULY 17 2001

Rohan K. Persaud.



U.S. Department of Justice
Immigration and Naturalization Service

PHI2001000349

1600 CALLOWHILL STREET
PHILADELPHIA, PA 19130

02/17/2001

ROHAN R. PERSAUD
TOWER #3 UNIT F24
1371 WASHINGTON, AVE
SCRANTON, PA 18509

Dear ROHAN R. PERSAUD:

We received your request for information relating to: ROHAN R. PERSAUD, on 02/17/2001.

Your request is being handled under the provisions of the Privacy Act (5 U.S.C.552A). It has been assigned the following control number: PHI2001000349. Please cite this number in any further inquiry about this request.

In accordance with Department of Justice Regulations (28 CFR 16.41), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. When applicable, fees may be for duplication of copies at the rate of \$.10 per copy. There is no charge for the first 100 copies; any remaining charges for duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, you will be notified prior to processing.

We will answer your request as quickly as possible. If you have further questions, please address your inquiry to this office at the above address, Attention: FOIA/PA Officer.

Sincerely,

A handwritten signature in black ink, which appears to read "Charles W. Zemski", is written over a circular stamp.

Charles W. Zemski
Acting Dist. Dir.